

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EDWARD CARTER, FRANK FIORILLO, KEVIN
LAMM, JOSEPH NOFI, and THOMAS SNYDER,

Plaintiffs,

Case No. 07-Civ-1215 (SJF)(ETB)

v.

AFFIDAVIT OF
ANNIE ROBINSON

INCORPORATED VILLAGE OF OCEAN BEACH;
MAYOR JOSEPH C. LOEFFLER, JR., individually and in
his official capacity; former mayor NATALIE K.
ROGERS, individually and in her official capacity,
OCEAN BEACH POLICE DEPARTMENT; ACTING
DEPUTY POLICE CHIEF GEORGE B. HESSE,
individually and in his official capacity; SUFFOLK
COUNTY; SUFFOLK COUNTY POLICE
DEPARTMENT; SUFFOLK COUNTY DEPARTMENT
OF CIVIL SERVICE; and ALISON SANCHEZ,
individually and in her official capacity,

Defendants.

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STATE OF NEW YORK)
) ss.:
COUNTY OF SUFFOLK)

Annie Robinson, being duly sworn, deposes and says:

1. I am the Village Court Clerk for the Incorporated Village of Ocean Beach.
2. I submit this Affidavit in support of Defendants' Incorporated Village of Ocean Beach, Mayor Joseph C. Loeffler, Jr., individually and in his official capacity, former mayor Natalie K. Rogers, individually and in her official capacity, and the Ocean Beach Police Department (collectively "Village Defendants"), motion for an Order pursuant to Fed. R. Civ. P. 56, granting the Village Defendants summary judgment dismissing Plaintiffs' Complaint as it

applies to the Village Defendants. The statements contained herein are based on my review of the records maintained by the Incorporated Village of Ocean Beach Justice Court ("Village Justice Court").

3. I am a custodian of the official business records of the Village Justice Court, which records are kept and maintained in the ordinary course of business. As a custodian of the official business records, I have a duty to keep and maintain accurate and contemporaneous records with the events they purport record.

4. Annexed hereto as Exhibit "1" is a true and accurate copy of the Disposition Record in the matter of *The People of the State of New York v. Bryan Van Koot*, Docket No. 05-02-003.

5. My review of the official business records of the Village Justice Court reveals that Mr. Van Koot was arrested for an incident that occurred on October 31, 2004, and was charged with Assault in the Third Degree (P.L. §120.00(1)) and Harassment in the Second Degree (P.L. §240.26(1)).

6. Mr. Van Koot was scheduled to appear in Village Justice Court on March 12, 2005, but failed to appear and a warrant was issued for his arrest.

7. Mr. Van Koot then appeared on June 18, 2005, and pled guilty to Harassment in the Second Degree (P.L. §240.26(1)) and was ordered to pay a fine of \$500.00 within twenty eight (28) days. *See*, Ex., 1, Hearing Transcript at p. 5.

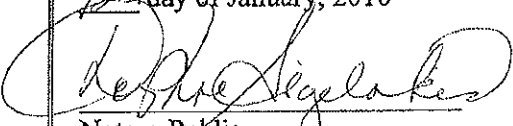
8. Mr. Van Koot failed to pay his fine within 28 days and another warrant was issued.

9. On September 13, 2007, Mr. Van Koot was arrested on the warrant for failure to pay a fine.

10. On October 13, 2007, Mr. Van Koot appeared in Court.
11. On November 3, 2007, Mr. Van Koot paid his fine, and the matter was closed.
12. Annexed hereto as Exhibit "2" is a true and accurate copy of the disposition record in the matter of *The People of the State of New York v. Christopher Schalick*, Docket No. 05-02-001.
13. Mr. Schalick was arrested for an incident that occurred on October 31, 2004, and was charged with Assault in the Third Degree (P.L. §120.00(1)).
14. On May 21, 2005, Mr. Schalick pled guilty to a reduced charge of Disorderly Conduct (P.L. § 240.20(7)), and was ordered to pay a fine of \$250.00, which fine was paid the same day. *See*, Ex., 2, Hearing Transcript at p. 4.


Annie Robinson

Sworn to before me this
12th day of January, 2010


Notary Public

DAPHNE SIGELAKIS
NOTARY PUBLIC - STATE OF NEW YORK
SCHOENK COUNTY
LIC #01SI6188835
COMMISSION EXPIRES 06/16/2012